

**FINAL DECISION NOTICE
COUGAR CREEK SNOWMOBILE AND RECREATIONAL BRIDGE**

**MONTANA FISH, WILDLIFE & PARKS
1400 South 19th Avenue
Bozeman, MT 59718**

August 25, 1998

PROPOSAL

The proposed action by Fish, Wildlife & Parks (FWP) is to participate as a partner with the West Yellowstone Chamber of Commerce (WYCC) and the U.S. Forest Service (USFS) in the construction of a bridge across Cougar Creek to accommodate snowmobile, pedestrian, equestrian, bicycle, and cross-country ski users as well as trail grooming equipment. By agreement, FWP will assume ownership of the bridge when completed.

The review of pertinent documents relating to safety hazards resulting from the use of the existing highway bridge by snowmobilers and grooming equipment has indicated that public safety for highway and recreational traffic requires action by government agencies with administrative authority to reduce or eliminate a hazardous situation. Recorded evidence indicates that several times during a snowmobiling day near misses occur at the highway bridge when highway and recreational snowmobile traffic meet on the bridge.

Estimates of the project's costs inflated during the environmental assessment (EA) writing process and the public comment period. A decision to extend the comment period was made to allow public comment on cost estimates based on fully completed project plans and to explain a funding component inadvertently omitted in the published EA. A supplemental information letter was sent to all persons and organizations listed on the EA mailing list as well as persons making comment during the public comment period. The letter also explained the rationale for FWP taking ownership of the bridge upon its completion.

Alternatives

Alternative I: (No Action)

Under this alternative, FWP would not enter into a cooperative agreement with the USFS and WYCC for the purpose of constructing the Cougar Creek recreation bridge and the subsequent ownership of the bridge.

Alternative II: Proposed Action

This alternative is the preferred action. FWP would enter into a cooperative agreement with the USFS and WYCC for the purpose of constructing the Cougar Creek recreation bridge with FWP assuming ownership of the bridge upon its completion. The bridge would provide safe passage for snowmobiles and trail grooming equipment across Cougar Creek. Recreational use of the bridge would be limited to snowmobile, snowmobile trail grooming equipment, pedestrian, bicycle, cross-country ski, and equestrian use. Operation and maintenance of the bridge would be funded from dedicated state snowmobile funds.

Gallatin

PUBLIC PROCESS AND COMMENT

FWP has conducted this environmental assessment in an open forum to allow participation by the public, concerned organizations, and government agencies to review the above proposal. During the public comment phase of the EA process (July 4 to August 14, 1998), a total of twenty three individual written comments were received. Seven were in favor of the project proposal with each citing the benefit of the project based on public safety issues. Sixteen letters expressed opposition to the project based on the following issues: NEPA & MEPA compliance, wildlife concerns, construction bidding process, construction permitting, ownership, Federal Recreation Trail Fund grants, and grooming program funding/accounting. Explanatory sections follow to discuss the issues raised in comment letters.

National Environmental Policy Act Compliance

Concerns were expressed that the USFS had not complied with the National Environmental Policy Act (NEPA). On May 21, 1997, the USFS initiated an environmental analysis for the proposed Cougar Creek snowmobile bridge. On March 23, 1998, the USFS issued a decision memo and attached biological evaluation for the construction of the Cougar Creek snowmobile bridge addressing sensitive plants and wildlife. This correspondence to FWP and the public indicated that NEPA had been satisfied and concluded that the Cougar Creek Recreational Bridge project qualifies for a categorical exclusion under NEPA. The decision memo also noted that there were no significant impacts to plants or wildlife.

One comment received expressed a concern for wilderness. The Cougar Creek recreational bridge location is not in a designated wilderness but in the Highway 191 right-of-way. Construction will occur on previously disturbed ground with the bridge footings and abutments built in Highway 191's shoulder embankment.

The reach of trail traveling north from section 22, at Cougar Creek, to the start of the Big Sky Trail has historically been used by snowmobilers. This trail is located within the Highway 191 easement and on private property. The grooming map indicates those trails groomed on USFS administered lands. Comments regarding the existing trails and their use within the Gallatin National Forest are outside the scope of this EA and decision notice.

Wildlife

One comment expressed that the USFS should study impacts to wildlife regarding this project. The USFS completed a wildlife review in connection with the NEPA review and subsequent decision notice for this project and concluded that no significant impacts would occur. FWP fisheries and wildlife biologists agreed with the USFS biological evaluation that no significant impacts would occur.

Another concern was raised that the bridge crosses a wildlife corridor. The same can be said for Highway 191 which has been in existence for several decades and has not been shown to significantly hinder wildlife movement.

Concern was expressed that the bridge would elongate the existing trail. Snowmobile use in the area has been present for over twenty five years on existing trails. The intent of the bridge is to provide safe recreational travel opportunities and reduce Highway 191 conflicts.

The challenge cost share agreement, signed by all agencies and the WYCC, will specify that the bridge will be closed to prohibit motorized travel between April and November of each year. Snowmobile trail grooming is scheduled from December 1 to March 30 annually. This schedule was prescribed by the FWP area wildlife biologist under the Montana Snowmobile Grooming Program's Programmatic Environmental Impact Study and subsequent mitigation for the West Yellowstone grooming program.

Project Costs

The most recent cost estimate, based upon completed bridge construction plans, has been revised to \$143,400. The U.S. Forest Service will contribute \$70,000 (\$25,000 staff time and \$45,000 materials) to the proposed project leaving a total of \$73,400 which will be provided by Federal Recreation Trails grants (\$22,000) and the WYCC (\$51,400). All cost figures cited above are estimates based on the best current information. Contractor bids will determine the final project costs.

Bidding Process

FWP, through its Design and Construction Bureau, will conduct the bidding process for bridge construction and will follow state procurement laws. Authority for this activity is found in Section 18-2-101, MCA.

Construction Permitting

Permits required for this project are the Stream Preservation Act (124SPA and 404) permits. The 124SPA permit was issued on August 7, 1998, with the finding that the project will not cause significant turbidity, and a 3-A authorization will not be required. The 404 permit request has been submitted for review, and a determination will be made prior to any construction.

Ownership

FWP has made the commitment as a project cooperator to address a hazardous situation as stated in the EA. Ownership of the bridge, through the challenge cost share agreement, is based on the premise that the bridge will provide safe recreational opportunities in conjunction with the state snowmobile grooming program. This commitment by FWP is the same as that previously given for the Madison River snowmobile bridge. As stated in the supplemental information letter, FWP will assume ownership and jurisdiction under Montana Statute, Title 23-1-102, and will provide for the care and maintenance of the bridge once constructed. FWP will assume ownership of the Cougar Creek bridge upon construction as the structure lies in the Highway 191 easement granted to the state of Montana by the federal government. FWP believes that alternatives developed under the EA are appropriate for the proposed action.

FWP, as administrative authority for the bridge, outlined in the draft challenge cost share agreement the limits of use, which are consistent with the limited use of the Madison River

snowmobile bridge. Closure of the bridge to motorized use outside the snowmobile grooming season will follow guidelines stated in the EA, the challenge cost share agreement, and mitigative measures listed in the West Yellowstone snowmobile grooming program PEIS document.

The bridge will require minimal maintenance due to the materials used in construction and the relatively low levels of traffic expected. Bi-annual inspections will be made at an estimated cost of \$400.

Federal Recreation Trail Fund Grants

Two grants were authorized and awarded to the West Yellowstone Chamber of Commerce for this project by the State Trails Advisory Committee in the amounts of \$7,000 and \$15,000 in 1996 and 1997 respectively. The State Trails Advisory Committee has authorized the combining of the two grants for this proposed project.

Grooming Program Funding/Accounting

The state's snowmobile grooming funds are derived solely from gas taxes assessed on snowmobile use and property taxes assessed on resident snowmobiles. Approved snowmobile clubs are awarded funding to conduct trail grooming activities on trail systems that have passed Montana Environmental Policy Act compliance. These funds are not appropriated for the purpose of road development on Forest Service administered lands.

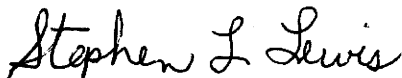
DECISION

Based on the analysis in the environmental assessment and the corresponding public comment, I have determined that the process has satisfactorily complied with the Montana Environmental Policy Act. The proposed action poses no significant impact to the natural or human environment. Therefore, an Environmental Impact Statement will not be prepared.

It is my decision to implement the proposed action (Alternative II). By notice of this decision notice, the draft EA with supplemental information letter is hereby made the final EA without modifications or additions.

Implementation of this project is expected to take place during the fall of 1998.

The final EA and decision notice may be viewed at or obtained upon request from the Montana Fish, Wildlife & Parks at the Region 3 Headquarters in Bozeman (994-4042), the Helena Area Resource Office (449-8864), the Butte Area Resource Office (494-1952), or the State Bulletin Board.



Stephen L. Lewis
Regional Supervisor
August 25, 1998